

September 30, 1998

Of Criminals and Guns

The 'Project Exile' Solution

Instead of crime control with quick and certain prosecution for those criminals who use firearms in the commission of a crime, this Administration is bent on idealistic gun control replete with more hurdles and more delays for legal gun owners.

Rather than regulating legal gun ownership, as this Administration is trying to do with its Brady Act expansion proposal [see RPC paper, "The Administration's Brady Expansion Act: Bent of Ignoring Intent," 9/30/98], why not focus on punishing gun-carrying criminals? That's what Americans are looking for.

The Administration's Solution: Stopping Guns, Not Criminals

Any felon who attempts to purchase a gun can be put away for 10 years. This is and has been federal law for many years.

However, facts suggest that this Administration is satisfied with simply denying felons guns, not arresting them as federal law requires. The Administration claims that 242,000 prohibited persons have been denied gun purchases since Brady went into effect. But it does not know if these criminals are simply obtaining guns elsewhere. The Justice Department's own press release notes that "the data ... do not indicate whether rejected purchasers later obtained a gun through other means" [DOJ, Office of Justice Programs press release, 2/25/97]. This lends credibility to fear that criminals, once denied purchase of a firearm at a retail establishment, then go to the black market for their gun needs — a market dependent on further crime for its supply of firearms.

Moreover, the General Accounting Office (GAO) reports that the number of Brady-related prosecutions and convictions is "relatively small nationally." The

Bureau of Alcohol, Tobacco and Firearms was quoted in the GAO report as saying that "most cases referred by ATF field offices to U.S. Attorneys have been declined." ["Implementation of the Brady Handgun Violence Prevention Act," GAO/GGD-96-92, January 1996]. In fact, only seven criminals were convicted by federal prosecutors during the law's first 17 months. Even worse, only three of those saw time behind bars.

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The question then is how can the Administration be sure that its criminal justice system is doing all it can to actually keep guns out of the hands of violent felons if its U.S. Attorneys are not consistently prosecuting them? Only through prosecution and certain jail time can Americans be guaranteed that violent felons will be denied access to firearms.

This Administration claims that the Brady Act deserves praise simply because large numbers of persons have been prevented from buying guns. American families, however, demand more. They judge the success of crime control according to its real results — the overall reduction in violent crime, which logically will come about as more violent offenders are put behind bars.

In short, rather than consistently enforcing the 10-year penalty for gun-purchasing felons, the Clinton Administration, through the interim Brady Act's delays and denials, is seemingly ignoring it.

The 'Project Exile' Solution

In 1997, the United States Attorney's office in Richmond, Virginia developed and successfully implemented perhaps the most aggressive, innovative and creative crime control program ever initiated. This approach is called "Project Exile."

According to the Richmond U.S. Attorney's office, Project Exile takes "advantage of [the] stiffer bond rules and sentencing guidelines in Federal court." The project is coordinated with local, state and federal law enforcement "to promptly arrest, incarcerate, detain without bond, prosecute and sentence the armed criminal." An expedited reporting system has decreased processing time to only a few days from previous delays of several months. Bond is routinely and successfully opposed, with mandatory minimum sentences the likely end. According to the Richmond office, "the project has quickly, efficiently, and successfully prosecuted a large number of gun crimes, with significant impact on criminal behavior."

As part of the project's "full integration" program, front-line law enforcement officers have been educated with respect to federal firearm laws and search and seizure issues. Additionally, community groups as well as the local media have come together to promote the project's central message that an illegal gun gets you in federal prison. Here are some measures of this program's success:

- The Project has put more than 202 armed criminals behind bars since its inception.
- One violent gang responsible for many Richmond murders has been eliminated.
- The rate of gun carrying by criminals has been cut nearly in half. Local police are grateful that now, many criminals decide to throw their guns away, instead of fighting their way out, before being caught.
- The armed robbery rate for 1998 has declined 29 percent.

- The 1998 homicide toll for January and February is the smallest in more than 10 years.

Because of this widely successful crime control effort, families are finally able to feel safer in their homes and neighborhoods knowing that Project Exile has put the criminal behind bars.

The Republican Solution: Crime Control *Not* Gun Control

During consideration of the recent Commerce, State, Justice Appropriations Bill (S. 2260), Republicans continued their agenda of proven crime control. Inspired by the success of Project Exile, Senate Republicans proposed to enhance the Youth Crime Gun Interdiction Initiative program (YCGII). This original program was a 17-city demonstration project aimed simply at tracing firearms involved in crimes. The Senate unanimously expanded the program by providing localities with the resources to stop gun crime — through arrests, prosecution and incarceration. The proposal, waiting consideration before a yet-to-be-appointed conference committee, would accomplish the following:

- Expand YCGII/Project Exile to 150 localities by October 1, 2003;
- Require the Attorney General to give the “highest possible prosecution priority” to all gun crimes;
- Make the city of Philadelphia, Pennsylvania the first city in the pilot program; and
- Make the Secretary of the Treasury award grants to states to assist them in tracing firearms, hiring additional law enforcement and purchasing equipment to help increase processing time.

Through this effort, when violent criminals attempt to buy a firearm for further criminal activity, they are much more likely to be prosecuted and put behind bars. Americans demanded and Republicans delivered.

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